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EXAMINER

BROADHEAD, BRIAN J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3661

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 01/25/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/634,295

Applicant(s)

GASBARRO, HENRY FRANK

Examiner

Brian J. Broadhead

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7 and 9-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1 recites the limitation "the at least one portable communications device" in line 6. There is insufficient antecedent basis for this limitation in the claim. The remaining claims are indefinite by dependency.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 5, 16, 20, 21, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith, US2006/0241865.

7. As per claims 1, 2, 16, and 20, Smith discloses a GPS module that produces locations information associates with the position of the tablet computer assembly (203); an L-band transceiver that broadcasts the location information to a satellite relay and receives location information from the at least one portable communications device via the satellite relay in paragraphs 44 and 86, the disclosure of satellite communications would include L-band frequencies; a processing unit that provides messages to the L-band transceiver and updates a display associated with the tablet computer assembly according to the received location information and the location information produced at the GPS module in paragraphs 47 and 81; the processing unit comprises system memory containing geographic information in paragraph 19, the memory is inherent.

8. As per claims 5, and 21, Smith discloses a touch screen display in paragraph 47, a tablet PC requires a touchscreen by definition.

9. As per claim 22, Smith discloses means for transmitting a preset text message with the location information in response to user input in paragraph 86. The spotters can send preset messages describing weather features.

10. Claims 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Obradovich et al., US 6148261.

11. Obradovich et al. disclose determining location of the tablet computer at regular intervals via GPS, broadcasting the determined location on an L-band frequency to a satellite associated with a relay network, receiving location information from at least one portable communications device on an L-band frequency via the relay network at the tablet computer, displaying the determined location and the received location

information on a display associated with the tablet computer, encoding routing information within the L-band broadcast, routing information including at least one of a plurality of PCD devices as an intended recipient on lines 10-35, on column 1, lines 60-62 on column 3, lines 19-20, on column 5, lines 48-58, on column 11, and in figure 11 (note item 951); and analyzing the routing information to determine if the tablet computer is an intended recipient of the received location information on lines 25-30, on column 2.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, US2006/0241865.

14. Smith discloses the limitations set forth above. Smith does not disclose the memory is a flash memory card. Official notice is taken that flash memory cards are known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a flash memory card for the data because it would allow easy update yet it is more durable than a hard drive. Deciding which type of memory to use is a design choice of that would be made based on use of the apparatus and costs considerations. Flash memory can be more expensive to use than a hard

drive or a CD/DVD but the known advantage is the lack of moving parts making it very durable.

15. Claims 11, 13, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, US2006/0241865, in view of Kaesser, DE004228605A1.

16. Smith discloses the limitations as set forth above, an internal power supply is inherent in the portable embodiment. Smith does not disclose a mounting unit that allows the dismount communications device to be mechanically fixed to the interior of a vehicle and electronically connected to a power supply within a vehicle. Kaesser teaches of a mount that provides a power connection, this connection would inherently connect to the internal power supply. It would have been obvious to one of ordinary skill in the art to use the mount of Kaesser with the invention of Smith because it would allow use in a vehicle. The types of mounts are very common for notebooks, PDAs, and Tablet PCs. Police vehicles are an everyday example of their use.

17. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, US2006/0241865, in view of Kaesser, DE004228605A1 as applied to claim 11 above, and further in view of Bielby, "Xilinx".

18. Smith and Kaesser disclose the limitations as set forth above. They do not disclose an I/O board that translates communication between the L-band transceiver and the tablet computer. Bielby teaches the I/O board used is the ISA or PCI bus of the computer. It would have been obvious to one of ordinary skill in the art to use the ISA or PCI bus along with their associated control boards because such modification would

be cheaper and eliminate the need to an case and external power supply as discloses by Bielby on page 5.

19. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, US2006/0241865, as applied to claim 1 above, and further in view of Bielby, "Xilinx".

20. Smith discloses the limitations as set forth above. Smith does not disclose an I/O board that translates communication between the L-band transceiver and the tablet computer. Bielby teaches the I/O board used is the ISA or PCI bus of the computer. It would have been obvious to one of ordinary skill in the art to use the ISA or PCI bus along with their associated control boards because such modification would be cheaper and eliminate the need to an case and external power supply as discloses by Bielby on page 5.

21. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, US2006/0241865 as applied to claim1 above, and further in view of Broughton, US6542117, and in further view of Gilbert et al., US2003/0032426.

22. Smith discloses the limitations as set forth above. Smith does not disclose a single detachable antenna that can be operatively connected to the tablet computer by a user to facilitate the transmission and reception of the messages by the L-band transmitter and the GPS module. Broughton teaches using a detachable antenna to facilitate the transmission and reception of the messages by the L-band transmitter and the GPS module on column 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the detachable antennas of Broughton in the invention or Smith because it would be easily stowable as disclosed by Broughton.

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Broughton does not disclose using the same antenna for both systems. Gilbert et al. teaches using one antenna for both the GPS and L-band transceiver in paragraph 53. It would have been obvious to one of ordinary skill in the art to use one antenna instead of two because it would reduce costs. The trade off would just be that data transmissions would be restricted some.

23. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, US2006/0241865 as applied to claim 1 above, and further in view of Broughton, US6542117, and in further view of Gilbert et al., US2003/0032426, as applied to claim 6 above, and further in view of Saunders et al., US2005/0162334.

24. Smith, Broughton, and Gilbert disclose the limitations as set forth above. They do not disclose using a quadrifilar helix antenna (QHA). Saunders et al. teach using a QHU in paragraph 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a QHA because they can be small and compact, and are relatively insensitive to the effects of handling as disclosed in paragraph 2 of Saunders.

25. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, US2006/0241865, as applied to claim 1 above, and further in view of Sridharan et al., US2003/0017646A1.

26. Smith discloses the limitations as set forth above. Smith does not disclose a Faraday cage around the L-band transceiver to reduce EM interference and the Faraday cage being configured as a heat sink to draw away heat away. Sridharan et al. teach Faraday cage around electronics to reduce EM interference and the Faraday

cage being configured as a heat sink to draw away heat away in paragraphs 7 and 9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the shielding of Sridharan et al. in the invention of Smith because such modification would the electromagnetic interference that can occur with a large number of electronic circuits are placed in close proximity to each other as described in paragraph 2 of Sridharan et al.

27. Claims 23 through 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, US2006/0241865, as applied to claim 20, above, and further in view of Russell, "Power Management in Windows XP."

28. Smith discloses the limitations as set forth above. Smith does not disclose software means for controlling the power consumption of at least one of the means for transmitting, determining, and displaying by either the user or in response to a predetermined condition. Russell teaches software means for controlling the power consumption of at least one of the means for transmitting, determining, and displaying by either the user or in response to a predetermined condition. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the software of Russell in the invention of Smith because it is commercial off the shelf software which would save the expense of developing a specialized OS.

Response to Arguments

29. Applicant's arguments with respect to claims 1-7, and 9-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

30. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


BJB


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